

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT NASHVILLE

AUGUST 1999 SESSION

**FILED**

September 22, 1999

Cecil Crowson, Jr.  
Appellate Court Clerk

STATE OF TENNESSEE, )  
 )  
 Appellee, )  
 )  
 VS. )  
 )  
 JAMIE SHANNON PRATER, )  
 )  
 Appellant. )

NO. 01C01-9808-CC-00349

RUTHERFORD COUNTY  
No. F-42542B

HON. JAMES K. CLAYTON, JR.,  
JUDGE

(Possession of Marijuana with Intent  
to Sell or Deliver)

**FOR THE APPELLANT:**

**LIONEL R. BARRETT, JR.**  
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**FOR THE APPELLEE:**

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OPINION FILED: \_\_\_\_\_

**AFFIRMED - RULE 20 ORDER**

**JOE G. RILEY, JUDGE**

## ORDER

Defendant, JAMIE SHANNON PRATER, pled guilty to possession of marijuana with intent to sell or deliver, a Class E felony, and possession of drug paraphernalia, a Class A misdemeanor. The trial court sentenced defendant to two years on the felony and six months on the misdemeanor, to be served concurrently. The sole issue in this appeal is whether the trial court erred in ordering defendant to serve 60 days in the county jail prior to release on probation for the balance of the two-year sentence. We **AFFIRM** the judgment of the trial court pursuant to Rule 20, Tennessee Court of Criminal Appeals.

The record shows that defendant has prior convictions for burglary and felony theft in Dickson County, and was on probation when he committed the current offense. He has numerous prior misdemeanor convictions, many prior incarcerations, and a prior revocation of probation. Nevertheless, defendant argues that ten days service is the appropriate sentence and would “better serve the principles set forth in the Sentencing Act.” We respectfully disagree.

The record overwhelmingly supports the trial court’s imposition of sixty days confinement rather than ten days. It is, therefore, **ORDERED** that the judgment of the trial court be **AFFIRMED** pursuant to Rule 20, Tennessee Court of Criminal Appeals.

In the event the appellant indicates an intention to file an application for permission to appeal to the Tennessee Supreme Court, he may be admitted to bail in the additional amount of \$2,500, for a total amount of \$6,000, with sufficient sureties to be approved by the clerk of the trial court pending filing and disposition of said application. In default of such bond, he shall be remanded to the custody of the Sheriff of Rutherford County.

Costs of appeal are taxed to the appellant, JAMIE SHANNON PRATER, for which let execution issue.

So ordered. Enter:

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**JOE G. RILEY, JUDGE**

**CONCUR:**

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**DAVID G. HAYES, JUDGE**

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**L.T. LAFFERTY, SENIOR JUDGE**